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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,806	12/08/1999	YUNG-CHING SHA	SHA-2	6937
7590	05/06/2004		EXAMINER	
HENRY T BRENDZEL BOX 574 SPRINGFIELD, NJ 07081			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	
			DATE MAILED: 05/06/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/456,806	SHA, YUNG-CHING
Examiner	Art Unit	
Steven Blount	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 March 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 10-11, 19-20, 22 - 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 26 - 28 is/are allowed.
- 6) Claim(s) 1-6, 10 - 11, 19 - 20, and 22 - 24 is/are rejected.
- 7) Claim(s) 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 6, 10 – 11, 19 – 20, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 11, “said user-specified directives” lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 6, 10 – 11, and 19 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,075,767 to Sakamoto et al.

With regard to claim 1, Sakamoto et al teach:

- 1) Switch fabric 2
- 2) Controller 4
- 3) First I/O module 1-1 (figure 1)
- 4) Second I/O module 1-2
- 5) Decision logic module 3
- 6) “ATM layer processing block 15-1” (col 10, lines 48+)

Sakamoto also teaches:

- A) A stimulus from member 4 (fig 4) (see the "report information of defect and performance detected and/or collected by the interface circuit 15 to the control part 4") (col 8 lines 6+).
- B) In col 8 lines 28+, it is stated that the control portion 4 issues a switchover command.
- C) Importantly, in column 10, lines 60+, it is stated that "When the control part 4 issues a system switchover order 93 to the selector card 3, the setting value of the selector control register 27 is changed over and hence the signal status of the wire 26 is varied. The status change of the wire 26 is notified as a system switchover signal 94 to switch over the selector 9. *Simultaneously, the hardware system for working path (ATM layer processing block 15-1 of the line interface circuit 1-1) stops the cell counting operation* (95) and then the hardware system for protection path to be set as the active system (ATM layer processing block 15-2) of the line interface circuit 1-2) commences counting cells (96)" (emphasis added).

While Sakamoto does not explicitly teach that the ATM layer processing block 15-1 is a "Framer", this member performs functions which can be considered to be equivalent to framing operations, as is described in column 9, lines 3+, wherein it is stated that in members 40-1 and 41-1 (see figure 21, figure 9, and figure 1), cell discrimination and header conversion processing occurs; such that labeling member 15-1 a "framer" would be obvious to one of ordinary skill in the art.

With regard to claim 2, members 3 and 4 are integral with each other.

With regard to claim 3, logic units are spread throughout members 1-1, 1-2, and 3 (see, for example, the MPU members 22-1 and 22-2 in members 1-1 and 1-2).

With regard to claims 4 - 5, note the use of "report information of defect" mentioned above.

With regard to claim 6, the modules are similar.

With regard to claims 10 – 11, note how the lines are switched from passive to active (or obviously vice versa) above.

With regard to claims 19 – 20, hierarchical order of stimuli are an obvious variation of report information defects.

5. Claims 23 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,075,767 to Sakamoto et al as applied above in view of U.S. patent 5,870,382 to Tounai et al.

With regard to claim 23, Sakamoto teaches first and second modules as described above, and also teaches receiving a stimulus to the modules (apparently via the different control lines shown above the legend "control part 4" shown in figure 1) wherein the combination of the MPU and RAM are used for "setting a status value for the system specification to the selector control register 27" (col 5 lines 13+) (and hence act as an obvious variation of providing a user directive (information) about whether to accept or reject the stimulus), and also in column 8 lines 23+, it is stated that the selector "corresponds to each associated bit of the register 27". Sakamoto does not however teach controlling the first and second modules lines to go into active or standby modes based on the values of bits set in first and second register in comparison. This is

taught in Tounai et al. See col 4 lines 35+. It would have been obvious to one of ordinary skill in the art at the time of the invention to have compared bits in a plurality of registers in Sakamoto in order to determine which module lines become active and standby, in light of the teachings of Tounai, in order to allow for an effective method for changing these members over.

With regard to claim 24, note that bytes (which have 8 bits) are taught in col 4 lines 33+ of Tounai et al.

***Allowable Subject Matter***

6. Claims 26 – 28 are allowed.
7. Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Applicants remarks are moot in view of the new grounds of rejection.
10. Steven Blount may be reached at 703-305-0319 Monday through Friday between the hours of 9:00 and 5:30.

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4/27/04

  
Ajit Patel  
Primary Examiner